

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA**

<b>TONI MARIE FULLER,</b>	:	
	:	
<b>Plaintiff</b>	:	<b>CIVIL ACTION NO. 3:19-1362</b>
	:	
<b>v.</b>	:	<b>(JUDGE MANNION)</b>
	:	
<b>ANDREW SAUL, Commissioner of Social Security,</b>	:	
	:	
<b>Defendant</b>	:	
	:	

**ORDER**

Pending before the court is the report of Magistrate Judge Joseph F. Saporito, Jr., which recommends that the decision of the Commissioner of Social Security denying the plaintiff's claims for social security disability insurance benefits and supplemental security income under Titles II and XVI of the Social Security Act be affirmed and the plaintiff's appeal be denied. (Doc. 16). The plaintiff has filed objections to the report (Doc. 17) to which the Commissioner has responded (Doc. 18). Upon review, the report of Judge Saporito will be adopted in its entirety.

When objections are timely filed to the report and recommendation of a magistrate judge, the district court must review *de novo* those portions of the report to which objections are made. 28 U.S.C. §636(b)(1); Brown v.

Astrue, 649 F.3d 193, 195 (3d Cir. 2011). Although the standard is *de novo*, the extent of review is committed to the sound discretion of the district judge, and the court may rely on the recommendations of the magistrate judge to the extent it deems proper. Rieder v. Apfel, 115 F.Supp.2d 496, 499 (M.D.Pa. 2000) (citing United States v. Raddatz, 447 U.S. 667, 676 (1980)).

For those sections of the report and recommendation to which no objection is made, the court should, as a matter of good practice, “satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Fed. R. Civ. P. 72(b), advisory committee notes; see also Univac Dental Co. v. Dentsply Intern., Inc., 702 F.Supp.2d 465, 469 (M.D.Pa. 2010) (citing Henderson v. Carlson, 812 F.2d 874, 878 (3d Cir. 1987) (explaining judges should give some review to every report and recommendation)). Nevertheless, whether timely objections are made or not, the district court may accept, not accept, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. 28 U.S.C. §636(b)(1); Local Rule 72.31.

The plaintiff has raised two arguments in her objections to Judge Saporito’s report. Initially, the plaintiff argues that substantial evidence does not support the ALJ’s residual functional capacity assessment (“RFC”). Moreover, the plaintiff argues that multiple errors with symptom evaluation

compel reversal of the ALJ's decision. Both of these arguments were raised in the plaintiff's brief in support of her appeal (Doc. 11, pp. 5-7 and pp. 8-9, respectively) and were addressed thoroughly by Judge Saporito in his report (Doc. 16, pp. 13-17 and pp. 22-29, respectively). The court has reviewed the evidence of record as a whole and finds no clear error of record with regard to Judge Saporito's findings on either of these issues. Moreover, the court agrees with the sound reasoning that led Judge Saporito to the conclusions in his report. As such, the court will adopt the report and recommendation of Judge Saporito as the decision of the court.

In light of the foregoing, **IT IS HEREBY ORDERED THAT:**

- (1)** The plaintiff's objections to the report and recommendation of Judge Saporito **(Doc. 17)** are **OVERRULED**.
- (2)** The report and recommendation of Judge Saporito **(Doc. 16)** is **ADOPTED IN ITS ENTIRETY** as the ruling of the court.

**(3)** The plaintiff's appeal **(Doc. 1)** is **DENIED**.

**(4)** The Clerk of Court is directed to **CLOSE THIS CASE**.

*s/ Malachy E. Mannion*  
**MALACHY E. MANNION**  
United States District Judge

**Date: October 15, 2020**

19-1362-01